

Going South: Depression and the Law

Working in the law can be a depressing business. So much so, that lawyers are more prone to depression than any other professional group. The most recent Australian research, released in late 2008, indicates that almost a third of our country's solicitors and one in five barristers are affected by depression. While this has yet to be labelled an "epidemic", the shrill tabloid headlines can't be far off. As to *why* this is the case, explanations vary. The finger has been pointed at some of the less desirable aspects of a legal career: the long inflexible hours, an obsession with billing targets and deadlines.¹ It has also been noted that lawyers are, by nature, a status-conscious, perfectionist, anxious and workaholic group – and therefore more at risk of depression.²

The research so far:

The study mentioned above, that reinforced the depth of the problem, was conducted by Sydney University's Brain and Mind Institute, in 2008. The results were based on the responses of 2,400 lawyers, and produced several disturbing findings, among them that 11 per cent of lawyers contemplate suicide each month.³ Professor Ian Hickie, of the Institute, believed that the figures reflect an unhealthy competitiveness in the legal profession, where "individual low self-esteem and individual self-criticism are reinforced by experiences around you."⁴

These findings followed a more comprehensive study carried out in 2007 by beyondblue and management consultancy firm Beaton Consulting, where over 17,000 respondents were interviewed. This found that 15 per cent of legal professionals experienced moderate or severe depressive symptoms, a rate 2½ times that of the general population. At the time, Dr Nicole Highet, the Deputy CEO of beyondblue, noted that this flew in the face of how a lot of people viewed depression: namely as something afflicting those who are "homeless or uneducated". Dr Highet said that,

¹ <http://www.theage.com.au/news/national/depression-hits-lawyers/2007/04/23/1177180567883.html>

² <http://www.lawyerswithdepression.com/lawstudentdepression.asp>

³ <http://www.theaustralian.news.com.au/story/0,25197,24367557-17044,00.html>

⁴ Quoted in <http://www.theaustralian.news.com.au/story/0,25197,24367557-17044,00.html>

anecdotally, it seemed lawyers were susceptible to depression in part because of the pressure to perform and meet deadlines, and that it can be a “fairly intensive line of work and fairly cut-throat industry”.⁵ The same study also found that lawyers were more likely than anyone else in the sample to self-medicate, using alcohol or other other drugs, to manage feelings of depression and sadness.

In short: prestige and pay are not, by themselves, a prescription for happiness.

My story:

In early 2008, I took time off from my law studies in Sydney and spent four months in America, interning at a non-profit law office in New Orleans, Louisiana, that focused primarily on death row cases. It was an exhilarating and rewarding experience. Acclimatising myself to the legal system in the deep south was a good challenge, the people I was working with were talented and inspiring and the responsibilities I were given far exceeded what I had anticipated an intern’s job description would be.

The work, however, was also very exhausting and at times dispiriting. I sometimes spent 12 hour days travelling to small towns, or visiting clients in prison. The case research I was helping with, while fascinating, was often akin to a fruitless gold hunt, due to the lack of co-operation from the District Attorney’s Office and the insurmountable quantities of potential information to be examined. There were also, of course, long days and nights in the office, with deadlines imposed by the courts in cases that were - quite literally – a matter of life or death. And thanks to the balance of the appellate legal system in Louisiana, which was tipped towards the prosecution, often the best result a client could hope for would often be a mere reduction in their sentence - from death, to life imprisonment without the possibility of parole.

Over the four months of the internship, the stresses accumulated, however I was able to push them to the back of my mind by staying busy. I also immersed myself, during downtime, in the New Orleans culture, which for me involved cheap drinking, partying and sleep deprivation. If I were to have focused on the impact the work was

⁵ <http://www.abc.net.au/worldtoday/content/2007/s1904332.htm>

having on my mental health, it would have seemed self-indulgent. After all, every day at work I was reminded of the far greater ordeals that our clients were facing every day, while they languished on death row.

It was only after returning to Australia that I became aware of the effect that the internship had had on me. A perceptive friend, noticing my myopic tendency to dominate all conversations with accounts of the injustices that I had witnessed, as well as my haggard, sleep-deprived eyes, suggested I visit a psychologist. I did, and was diagnosed with depression. My psychologist gave me a range of cognitive treatments, and these helped me to deal with the residual stress from the internship, and resume my life in Australia. I was also eventually able to use my experiences from the internship for positive ends – becoming involved in death penalty activism in Sydney, and spreading awareness about the issue – instead of simply dwelling on the negatives and becoming engorged with helplessness.

Where to from here:

Since the widespread depression in the legal profession in Australia was initially publicised, individuals, firms and organisations have been trying to get to the root of the problem, and taking positive steps to reverse it. Professor Ian Hickie, co-author of the most recent report on the topic believes that better education is needed about mental health issues, as well as stronger mentoring and support, especially at law schools and during the transition from study to full-time work.⁶ The managing partners of four of Australia's biggest law firms have acknowledged the seriousness of the issue, and expressed a commitment to work together to tackle depression within the profession.⁷ Awareness has also been spread through the annual Tristan Jepson Memorial Lecture, a legal industry sponsored event that addresses the problem. It is named after a former law student and lawyer who committed suicide at age 26, after a long battle with depression.

Michael Brett Young, CEO of the Law Institute of Victoria, believes that as well as raising awareness, work practices need to be changed. "I think the intense pressure

⁶ <http://www.theaustralian.news.com.au/story/0,25197,24367557-17044,00.html>

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always needs to be removed out of the workplace. In a practical sense, they could make sure that people are taking adequate annual leave, that if they have issues of stress that they have a mentor to go to, to discuss them”.⁸

And - as for my own experience with depression and the law - was there any action in particular that I found to be useful? Firstly, I realised that I should never again let myself be in a situation where my days are occupied with nothing but legal work. There must always be blank time for thinking, relaxing, and other hobbies. Secondly, I found it a great help, after arriving back home, to volunteer at a local community legal centre. Here, I was reminded that the law is not always a negative instrument, and can sometimes be used for good, to remedy wrongs that have been inflicted on ordinary people. Charles Dickens did write, famously, that the law is an “ass”, but it can also - if only on the odd occasion – be an asset as well.

⁸ <http://www.abc.net.au/worldtoday/content/2007/s1904332.htm>